

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Avi ASHKENAZI et al. Docket No.: 39780-2730P1C71  
Serial No.: 09/989,725 Group Art Unit: 1647  
Filing Date: November 20, 2001 Examiner: Hamud, Fozia M.  
For: **NUCLEIC ACIDS ENCODING PRO1375 POLYPEPTIDES**  
Filed via EFS  
DATE MAILED: February 21, 2008

**ON APPEAL TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**  
**REQUEST TO WITHDRAW APPEAL BY APPELLANTS**

**MAIL STOP APPEAL BRIEF - PATENTS**

Commissioner for Patents -  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Appellants hereby expressly withdraw the appeal in the instant application, and abandon this application solely to pursue patentable matter in a continuing application. This withdrawal and abandonment is made without prejudice to Appellants' ability to argue and/or present additional evidence in the future relating to the patentability of same or similar claims, in related or unrelated applications. By such withdrawal, Appellants do not concede the merits of the rejections in this or any related application, and reserve all rights to continue to present argument and evidence on the relevant issues. I am the attorney or agent of record.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 08-1641 (Attorney's Docket No. 39780-2730 P1C71). Please direct any calls in connection with this application to the undersigned at the number provided below.

Respectfully submitted,

Date: February 21, 2008

By: 

James A. Fox (Reg. No. 38,455)

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